

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:02-cr-

BARRY DOUGLAS HAUGHT
ERNEST L. SLEETH
FRED D. FORD, JR.
RENEE LACHANCE HUNTER LIVIO
TERESA MARTINEZ
CHERRY E. MOODY
THOMAS W. NESPECA
CHRISTOPHER C. STURSBERG
DBB., INC.
G.S. CARE CORPORATION
GOLD STAR HEALTHCARE, INC.
MED-CARE DISTRIBUTORS, INC.
T-TECH MEDICAL SERVICES, INC.
TRANS-CAPITAL INVESTMENT GROUP, INC.

INDICTMENT

The Grand Jury charges:

COUNT ONE

A. Introduction

At all times material to this Indictment:

1. The Medicare Part B program, as established by the Social Security Act, provided supplementary medical insurance benefits for individuals, typically those sixty-five years old and older, who were entitled to Social Security benefits ("Medicare beneficiaries").

2. The Health Care Financing Administration ("HCFA") was an agency of the United States Department of Health and Human Services ("HHS") and was responsible for the administration of the Medicare program. To accomplish this, HCFA divided the United States into four geographical regions and contracted with private insurance companies in those regions to assist in the administration of the Medicare program.

3. Medicare regulations characterized companies providing reusable equipment as Durable Medical Equipment ("DME") suppliers. DME suppliers were also commonly referred to as DME providers.

4. Palmetto Government Benefits Administrators ("Palmetto GBA"), Columbia, South Carolina, pursuant to a contract with HCFA, served as the carrier for the Medicare Part B program to receive, adjudicate, process and pay claims submitted by DME suppliers for DME items provided to Medicare beneficiaries residing in Florida and other states in the southeast part of the United States, known as Region C.

5. BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH owned or controlled the following companies, and others, that submitted for reimbursement claims to Medicare Part B for DME: (a) American Investors Fund, Inc.; (b) DBB, INC.; (c) Duramed, Inc.; (d) G.S. CARE CORPORATION; (e) Global Mobility, Inc., (f) GOLD STAR HEALTHCARE, INC.; (g) Gold Star Medical Services, Inc.; (h) LRJ Corporation; (i) MED-CARE DISTRIBUTORS, INC.; (j) MedMaster Services, Inc.; (k) Northstar Industries, Inc.; (l) Northstar Oil and Gas, Inc.; (m) Nursery Road Villa; (n) PM Consulting Group, Inc.; (o) Quality Billing Services, Inc.; (p) T-TECH MEDICAL SERVICES, INC.; (q) TRANS-CAPITAL INVESTMENT GROUP, INC.; and (r) Trident

Distributors, Inc. These companies collectively are hereinafter referred to as the "Gold Star Group."

6. FRED D. FORD, JR., RENEE LACHANCE HUNTER LIVIO, TERESA MARTINEZ, CHERRY E. MOODY, THOMAS W. NESPECA and CHRISTOPHER C. STURSBURG were sales representatives, or supervisors of sales representatives, for the Gold Star Group.

7. Medicare Part B paid claims in the amount of eighty percent of the allowable reimbursement for DME supplied to Medicare beneficiaries. DME had to be medically necessary and be prescribed by a physician, and was not intended for use by healthy or injured Medicare beneficiaries as a convenience item.

8. To achieve consistency and uniformity in the application of HCFA's Medicare policies, and to ensure the validity of claims submissions, DME was placed in various, standard categories in accordance with HCFA's Common Procedure Coding System (HCPCS). Pursuant to a contract with HCFA, Palmetto GBA also functioned as the Statistical Analysis Durable Medical Equipment Regional Carrier (SADMERC) for the entire United States. The responsibility of the SADMERC was in part to determine the appropriate HCPCS code to assign to a particular item of DME for purposes of claims submissions.

9. Claims for reimbursement were submitted to Palmetto GBA on either a health insurance claim form ("HCFA Form 1500") or through an electronic medium claim ("EMC system"). Both methods for submitting claims for reimbursement required the same information. The information required included:

- (a) the service and/or DME provided as identified by the standard HCPCS procedure code number;
- (b) the date the service or DME was provided;
- (c) the charge for such service or DME;
- (d) the diagnosis supporting the service or DME as identified by the appropriate standard diagnosis code number; and
- (e) a certification or doctor's order from the referring physician attesting to the medical necessity of the service or DME.

10. For some DME claims, Medicare regulations further required the submission of an additional form known as a Certificate of Medical Necessity ("CMN"). The CMN had four sections ("A" through "D"). The information required in Section B of the CMN included:

- (a) specific medical conditions necessitating the DME;
- (b) certain diagnoses; and
- (c) the length of time for which the DME was needed.

The portion of the CMN requiring this information had to be completed and signed by the referring physician or the physician's designated employee.

11. HCFA, through Palmetto GBA, distributed to every DME provider, a Medicare Suppliers Manual. This Manual provided general information about the Medicare program, medical review criteria, medical policies regarding coverage of services, definitions and explanations of medical necessity, descriptions of allowable services and DME, pricing information, required documentation to support claims, procedure codes, and instructions for completing and submitting claims.

12. The Medicaid program, as established by the Social Security Act, was a cooperative federal-state health care benefit program which enabled the states to furnish medical assistance to families and individuals who were unable to meet the costs of necessary medical services.

13. The Medicaid program in Florida was administered by the Agency for Health Care Administration ("AHCA") which, pursuant to an agreement with HHS, contracted with CONSULTEC and later UNISYS to serve as a fiscal agent to receive, adjudicate, process and pay Medicaid claims.

14. With respect to certain DME, Medicaid only paid the twenty percent co-payment expense required to be borne by the Medicare beneficiary. The DME claim was submitted to Medicare Part B; if Medicare Part B approved the claim and paid eighty percent of the allowable charge, Medicare submitted a "crossover" claim to Medicaid and Medicaid automatically paid the remaining twenty percent.

15. To become a Medicare DME provider, a company had to submit a Medicare Supplier Number Application ("MSNA") to the National Suppliers Clearinghouse ("NSC"), which reviewed the application and determined if the company met the HCFA regulations and compliance standards established by the NSC. Pursuant to a contract with HCFA, Palmetto GBA also acted as the NSC for Region C. If approved, the company was issued a provider number, which was mandatory in order to submit Medicare claims. The information required on the MSNA included:

- (a) the physical address of the company;
- (b) the name(s) of the applicant company, the individual owner and managing employee;

- (c) whether the owner or managing employee was or had been the owner of managing employee of another Medicare provider within the previous three years;
- (d) the name(s) of any other company related to the applicant, which company was a Medicare provider; and
- (e) any other Medicare billing numbers the applicant had.

16. To become a Medicaid provider, a company had to submit a Provider Enrollment Application to the fiscal agent for the State of Florida, who reviewed its contents and made a recommendation to AHCA, whether or not the company would be included in the Florida Medicaid Program. If approved, the company was issued a provider number which was mandatory in order to submit Medicaid claims. The information required on the enrollment application included:

- (a) the physical address of the company;
- (b) the name of the applicant company;
- (c) the name(s) of all officers, directors and principal owners (who owned five percent or more); and
- (d) disclosure of whether they had ever been denied enrollment, suspended or excluded from Medicaid or Medicare in any state, or been employed by a corporation, business or professional association that had been excluded from Medicaid or Medicare in any state.

17. BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH owned or controlled the following domestic and foreign companies through which flowed the proceeds of Medicare sales of DME by the Gold Star Group: (a) Fulcrum Services, Inc.; (b) Biotech Corporation; (c) Intercompany Financial Services and Management Group (IFSMG); and (d) Continuous Management Consulting and Financial Services (CMCFS).

18. The principal financial institution utilized by the Gold Star Group was Paine Webber in Tampa, Florida, where many of the companies had a business services account. Biotech Corporation also maintained a business services account at Paine Webber in Tampa, Florida. Fulcrum Services, Inc., maintained a bank account at NationsBank in Tampa, Florida. IFSMG maintained a bank account at the Bank of Nova Scotia in the Turks and Caicos Islands. CMCFS maintained bank accounts at the Stanford National Bank in Antigua and P.E.I. Bank in Curacao.

B. The Agreement

19. Beginning in or about January, 1995, and continuing until on or about September 10, 1998, at Tampa, in the Middle District of Florida, and elsewhere,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
FRED D. FORD, JR.,
RENEE LACHANCE HUNTER LIVIO,
TERESA MARTINEZ,
CHERRY E. MOODY,
THOMAS W. NESPECA,
CHRISTOPHER C. STURSBERG,
DBB., INC.,
G.S. CARE CORPORATION,
GOLD STAR HEALTHCARE, INC.,
MED-CARE DISTRIBUTORS, INC.,
T-TECH MEDICAL SERVICES, INC.,
and

TRANS-CAPITAL INVESTMENT GROUP, INC.,

defendants herein, knowingly and willfully did combine, conspire, confederate and agree together and with various other persons and organizations both known and unknown to the grand jury to:

- (a) defraud the United States of its right to have the Medicare Part B and Medicaid Programs conducted honestly and free from deceit, corruption and fraud, and to have the federal funds therein disbursed in accordance with the laws of the United States; and
- (b) commit the following offenses against the United States:
 - (i) to knowingly make and present, and cause to be made and presented to a department or agency of the United States, claims upon and against the United States, or department or agency thereof, or relating to a federal health care benefit program (Medicare and Medicaid), knowing such claims to be false, fictitious and fraudulent, in violation of Title 18, United States Code, Section 287;
 - (ii) to knowingly and willfully make and cause to be made false, fictitious and fraudulent statements and representations about material matters within the jurisdiction of the executive branch of the government of the United States, relating to a federal health care benefit program (Medicare and Medicaid), in violation of Title 18, United States Code, Section 1001; and
 - (iii) conduct a financial transaction of property affecting interstate commerce, which property constituted the proceeds of specified unlawful activity, knowing that the property represented the proceeds of some form of unlawful activity, and knowing that such financial transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, or control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956.

C. The Manner and Means of the Conspiracy

20. It was part of the conspiracy that the defendants and others would and did present, and cause to be presented, false, fictitious and fraudulent DME Medicare claims through various companies whose affairs they secretly owned or controlled, having acquired such ownership or control through one of the methods described below:

- (a) the defendants and others would and did create companies and appoint employees, family members or other persons as "apparent" or "nominal" owners, with their knowledge and consent, and would and did knowingly make false, fictitious and fraudulent statements and representations in Medicare Supplier Number Applications, Medicaid Provider Enrollment Applications, and other documents concerning the ownership, management, and business address of such companies, all for the purpose of hiding, concealing and covering up control by the defendants and other co-conspirators;
- (b) the defendants and others would and did create companies and appoint other persons as "apparent" or "nominal" owners, without their knowledge or consent, and would and did knowingly make false, fictitious and fraudulent statements and representations in Medicare Supplier Number Applications, Medicaid Provider Enrollment Applications, and other documents concerning the ownership, management and business address of such companies, all for the purpose of hiding, concealing and covering up control by the defendants and other co-conspirators; and
- (c) the defendants and others would and did secretly acquire or purchase control or ownership from the true owners of companies which were already officially recognized DME Medicare providers.

21. It was further a part of the conspiracy that the defendants and others would and did solicit, and cause other Gold Star Group sales representatives to solicit, through distribution of advertising flyers, door-to-door contacts, paying of kickbacks, and other means, potential customers who were Medicare beneficiaries, in order to sell, and attempt to sell, them certain DME, without regard to medical necessity.

22. It was further a part of the conspiracy that the defendants and others would and did deliver, and cause other Gold Star Group sales representatives to deliver, a sales pitch to potential Medicare customers, usually containing the following features, among others:

- (a) the Gold Star Group sales representative would try to sell highly-priced DME, and would limit the sales pitch to motorized wheelchairs and related items;

- (b) the Gold Star Group sales representative would offer to provide a scooter in lieu of a motorized wheelchair if the customer preferred that DME;
- (c) the Gold Star Group sales representative would assure the customer that the DME was free or that there would be no charge to the customer;
- (d) the Gold Star Group sales representative would try to obtain personal identification information from the customer, especially the customer's Medicare identification number;
- (e) the Gold Star Group sales representative would try to obtain the signature of the customer on various Gold Star Group documents and forms, including delivery receipts, despite the fact that no DME had yet been delivered to the customer;
- (f) the Gold Star Group sales representative would complete Section B of the CMN for a motorized wheelchair, answering the questions in such a way as to make the customer eligible for a motorized wheelchair, regardless of the truth of the answers, and would sometimes have the customer sign Section B of the CMN; and
- (g) the Gold Star Group sales representative would try to obtain the name of the customer's doctor, purportedly to solicit and procure the doctor's order, based on medical necessity, of the DME.

23. It was further a part of the conspiracy that the defendants and others would and did circumvent and attempt to circumvent, and cause others to circumvent and attempt to circumvent, the Medicare requirement that a referring or attending physician certify the medical necessity for the DME to be provided, by employing one or more of the following methods:

- (a) not presenting to the customer's doctor the DME medical necessity certification request and falsely making and forging the doctor's signature on one or more Gold Star Group forms, including any CMNs;

- (b) presenting to the doctor for signature only Sections C and D of the CMN for motorized wheelchairs, and not presenting Section B, and thereby preventing the doctor from seeing it and certifying as to the correctness of the answers to the questions regarding the customer's medical conditions;
- (c) adding DME to a doctor's order form after the doctor signed it;
- (d) making additions and alternations to the CMN for motorized wheelchairs after the doctor signed it; and
- (e) paying a kickback to a doctor to obtain the doctor's false certification as to the medical necessity for the DME.

24. It was further a part of the conspiracy that the defendants and others would and did make and present, and caused to be made and presented, to Palmetto GBA, health insurance DME claim forms (HCFA Form 1500) through the electronic medium claim system, knowing such claims to be false, fictitious and fraudulent in one or more aspects which aspects included, but were not limited to:

- (a) the DME purportedly provided had in fact not been provided;
- (b) the DME provided was a different item having a lesser value than the DME purportedly provided;
- (c) the DME provided was a different item, the cost of which was not reimbursable by Medicare or Medicaid;
- (d) the DME provided was medically necessary when in fact it was not;
- (e) the referring physician had certified the DME provided as medically necessary when in fact the referring physician had made no such certification;
- (f) the signature on file of the referring physician attesting and certifying as to the correctness of the information on the CMN and the medical necessity for the items ordered was true, genuine and authentic, when in fact it was falsely made and forged; and

- (g) the diagnosis codes on the Form 1500 and the CMN were true and correct and had been supplied by the referring physician, when in fact they were not true or correct and had not been supplied by the referring physician.

25. It was further part of the conspiracy that the defendants and others would and did establish and control business bank accounts in the names of the companies in the Gold Star Group and other companies and entities by various methods, including, but not limited to:

- (a) inducing the "apparent" or "nominal" owner to obtain a business account for that person's company and to provide the conspirators with a signature stamp for conducting financial transactions;
- (b) applying for a business account in the name of the "apparent" or "nominal" owners without that person's knowledge or consent; and
- (c) directing the "apparent" or "nominal" owner to authorize financial transactions through written or oral communications with bank officials.

26. It was further part of the conspiracy that the defendants and others would receive funds that were obtained from Medicare and Medicaid as payments on the false, fictitious and fraudulent claims, would and did deposit those funds in business accounts of companies in the Gold Star Group, and would and did thereafter disburse those funds elsewhere.

27. It was further a part of the conspiracy that the defendants and others would and did create and control additional domestic and foreign corporations and entities, and would and did launder funds that were obtained from Medicare and Medicaid as payments on the false, fictitious and fraudulent claims through domestic and foreign bank accounts owned by these corporations and entities, knowing that

these transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership or control of the funds.

28. It was further part of the conspiracy that the defendants and others would and did perform acts and make statements to hide and conceal the purpose of the conspiracy and the acts committed in furtherance thereof.

D. Overt Acts

29. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed by one or more of the defendants in the Middle District of Florida, and elsewhere:

(1) On or about January 24, 1995, ERNEST L. SLEETH, acting as Treasurer of GOLD STAR HEALTHCARE, INC., prepared and submitted an application for GOLD STAR HEALTHCARE, INC., to become a Medicaid DME provider.

(2) On or about February 17, 1995, ERNEST L. SLEETH, acting on behalf of Trident Distributors, Inc., prepared and submitted an application for Trident Distributors, Inc., to become a Medicare DME provider.

(3) On or about March 1, 1995, at Tampa, Florida, RENEE LACHANCE HUNTER LIVIO, on behalf of EDI Plus, 4401 West Kennedy Boulevard, Suite 395, Tampa, Florida, and BARRY DOUGLAS HAUGHT, sent a letter to the SADMERC requesting the appropriate billing code for the Form Fit 2000.

(4) On or about March 22, 1995, at Tampa, Florida, BARRY DOUGLAS HAUGHT caused Tracey Thibodeau, on behalf of EDI Plus, to send a letter to the SADMERC discussing the purported features of the Form Fit 2000.

(5) On or about April 6, 1995, ERNEST L. SLEETH, acting on behalf of American Investors Fund, Inc., prepared and submitted an application for American Investors Fund, Inc., to become a Medicare DME provider.

(6) On or about April 20, 1995, ERNEST L. SLEETH, acting on behalf of Northstar Oil and Gas, Inc., prepared and submitted an application for Northstar Oil and Gas, Inc., to become a Medicare DME provider.

(7) On or about August 31, 1995, ERNEST L. SLEETH, acting on behalf of Gold Star Medical Services, Inc., prepared and submitted an application for Gold Star Medical Services, Inc., to become a Medicare DME provider.

(8) On or about September 20, 1995, ERNEST L. SLEETH, acting on behalf of Northstar Industries, Inc. prepared and submitted an application for Northstar Industries, Inc., to become a Medicare DME provider.

(9) On or about November 1, 1995, ERNEST L. SLEETH, acting on behalf of LRJ Corporation, prepared and submitted an application for LRJ Corporation to become a Medicare DME provider.

(10) On or about December 8, 1995, ERNEST L. SLEETH, acting on behalf of TRANS-CAPITAL INVESTMENT GROUP, INC., prepared and submitted an application for TRANS-CAPITAL INVESTMENT GROUP, INC., to become a Medicare DME provider.

(11) On or about February 5, 1996, at Tampa, Florida, BARRY DOUGLAS HAUGHT filed a false bankruptcy petition concealing his association with companies in the Gold Star Group.

(12) In or about April, 1996, at Tampa, Florida, BARRY DOUGLAS HAUGHT had a conversation with Gold Star Group employee Loretta Capp in which he offered to pay her for permission to use her name on a company, MedMaster Services, Inc., which was to be used for submitting DME claims to Medicare.

(13) On or about April 1, 1996, ERNEST L. SLEETH, acting on behalf of DBB, INC., prepared and submitted information to Medicaid in connection with a provider re-enrollment request.

(14) On or about April 10, 1996, ERNEST L. SLEETH, acting on behalf of MedMaster Services, Inc., prepared and submitted an application for MedMaster Services, Inc., to become a Medicare DME provider.

(15) On or about May 15, 1996, at Tampa, Florida, TERESA MARTINEZ and LRJ Corporation caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Inez Scott.

(16) In or about July, 1996, at Clearwater, Florida, BARRY DOUGLAS HAUGHT and RENEE LACHANCE HUNTER LIVIO had a conversation with Dr. Roberto Becker Rivera in which they offered to pay him for permission to use his company, Nursery Road Villa, to submit DME claims to Medicare.

(17) In or about July, 1996, at Tampa, Florida, ERNEST L. SLEETH had a conversation with Gold Star Group employee Laura Flynn Williamson in which ERNEST L. SLEETH offered to pay her for permission to use her name on a company, Duramed, Inc., which was to be used for submitting DME claims to Medicare.

(18) In or about July, 1996, at Tampa, Florida, BARRY DOUGLAS HAUGHT had a conversation with Gold Star Group employee Joan Layne in which he

offered to pay her for permission to use her name on a company, G.S. CARE CORPORATION, which was to be used for submitting DME claims to Medicare.

(19) On or about July 12, 1996, ERNEST L. SLEETH, acting on behalf of LRJ Corporation, prepared and submitted an application for LRJ Corporation to become a Medicaid DME provider.

(20) On or about July 15, 1996, BARRY DOUGLAS HAUGHT and RENEE LACHANCE HUNTER LIVIO caused Dr. Roberto Becker Rivera, acting on behalf of Nursery Road Villa, to submit a false change of address form to the NSC.

(21) On or about July 16, 1996, ERNEST L. SLEETH, acting on behalf of G.S. CARE CORPORATION, prepared and submitted an application for G.S. CARE CORPORATION to become a Medicare DME provider.

(22) On or about July 26, 1996, ERNEST L. SLEETH, acting on behalf of Duramed, Inc., prepared and submitted an application for Duramed, Inc., to become a Medicare DME provider.

(23) On or about July 31, 1996, ERNEST L. SLEETH, acting on behalf of MED-CARE DISTRIBUTORS, INC., prepared and submitted an application for MED-CARE DISTRIBUTORS, INC., to become a Medicare DME provider.

(24) On or about August 6, 1996, at Tampa, Florida, TERESA MARTINEZ and Northstar Industries, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Essie M. Williams.

(25) On or about August 21, 1996, at Tampa, Florida, BARRY DOUGLAS HAUGHT, ERNEST L. SLEETH and Loretta Capp had a meeting regarding Med-Voyage, Inc.

(26) On or about August 22, 1996, at Tampa, Florida, TERESA MARTINEZ and LRJ Corporation caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Essie M. Williams.

(27) On or about August 23, 1996, at Tampa, Florida, BARRY DOUGLAS HAUGHT had a conversation with Joe LoPinto, owner of Glad-To-Be-Home, concerning the sale of a scooter.

(28) In or about October, 1996, at Tampa, Florida, ERNEST L. SLEETH, acting on behalf of Trident Distributors, Inc., sent a package to the Region B DMERC containing the Form Fit 2000.

(29) On or about October 25, 1996, ERNEST L. SLEETH, acting on behalf of American Investors Fund, Inc., prepared and submitted a Change of Address Notification Form to the NSC.

(30) On or about December 16, 1996, ERNEST L. SLEETH, acting on behalf of TRANS-CAPITAL INVESTMENT GROUP, INC., prepared and submitted an Attestation Statement to the NSC regarding the contents of TRANS-CAPITAL INVESTMENT GROUP, INC.'s supplier file record.

(31) On or about December 16, 1996, ERNEST L. SLEETH, acting on behalf of MedMaster Services, Inc., prepared and submitted an Attestation Statement to the NSC regarding the contents of MedMaster Services, Inc.'s supplier file record.

(32) In or about January, 1997, at Tampa, Florida, THOMAS W. NESPECA prepared and distributed a flyer to potential customers offering free DME.

(33) On or about January 9, 1997, BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH caused Laura Flynn Williamson to submit an application for Duramed, Inc., to become a Medicaid DME provider.

(34) On or about January 9, 1997, ERNEST L. SLEETH, acting on behalf of Northstar Industries, Inc., prepared and submitted an Attestation Statement to the NSC regarding the contents of Northstar Industries, Inc.'s supplier file record.

(35) On or about January 10, 1997, BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH caused Joan Layne to submit an application for G.S. CARE CORPORATION to become a Medicaid DME provider.

(36) On or about January 13, 1997, ERNEST L. SLEETH, acting on behalf of GOLD STAR HEALTHCARE, INC., prepared and submitted an Attestation Statement to the NSC regarding the contents of GOLD STAR HEALTHCARE, INC.'s supplier file record.

(37) On or about January 28, 1997, BARRY DOUGLAS HAUGHT and TERESA MARTINEZ had a conversation regarding a contract for marketing and billing DME.

(38) In or about February, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT had a conversation with Joe LoPinto, owner of Glad-To-Be-Home concerning Medicare sales in which a scooter would be swapped for a powered wheelchair.

(39) In or about February, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT and THOMAS W. NESPECA instructed Gold Star Group sales representative

Dennis Rodriguez how to complete the paperwork supporting a DME sale reimbursable by Medicare; including when and how to obtain the signatures of the customer and the customer's physician.

(40) In or about February, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT, in the presence of ERNEST L. SLEETH, instructed Gold Star Group sales representative Dennis Rodriguez in connection with the sale of a scooter, to prepare and submit paperwork falsely showing the sale of a powered wheelchair.

(41) In or about February, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT instructed Gold Star Group sales representative Dennis Rodriguez not to ask customers to pay the twenty percent co-payment because the Gold Star Group did not try to collect it.

(42) On or about February 19, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT testified falsely under oath concerning his connection to various companies in the Gold Star Group.

(43) On or about February 28, 1997, BARRY DOUGLAS HAUGHT caused Joy Haught Mason to send a \$600,000 wire transfer from an account of LRJ Corporation to an account of Pyemag Insurance and Trust, Inc.

(44) On or about March 17, 1997, at Tampa, Florida, TERESA MARTINEZ and TRANS-CAPITAL INVESTMENT GROUP, INC. caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Naomi Davis.

(45) On or about April 1, 1997, at Tampa, Florida, an agent of Trident Distributors, Inc. opened a letter from the Region B DMERC concerning the Form Fit 2000, closed it, refused it, and returned it to the DMERC.

(46) On or about May 6, 1997, at Tampa, Florida, CHRISTOPHER C. STURSBURG, Dennis Rodriguez and MED-CARE DISTRIBUTORS, INC. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Juan Cintra.

(47) On or about May 16, 1997, at Tampa, Florida, Dennis Rodriguez and Northstar Industries, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Christine Murphy.

(48) On or about May 21, 1997, at Tampa, Florida, TERESA MARTINEZ, Gold Star Medical Services, Inc. and Northstar Industries, Inc. caused the submission of false, fictitious and fraudulent claims to Medicare in connection with DME purportedly provided to Fred Bostick.

(49) On or about May 28, 1997, at Tampa, Florida, THOMAS W. NESPECA and Northstar Industries, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Grandison Williams.

(50) In or about June, 1997, at Tampa, Florida, THOMAS W. NESPECA paid kickbacks to residents at the J.L. Young Apartments who provided THOMAS W. NESPECA with customer leads.

(51) In or about June, 1997, at Largo, Florida, BARRY DOUGLAS HAUGHT and Jerry Drizin had a conversation in which BARRY DOUGLAS HAUGHT

asked Jerry Drizin to set up several off-shore companies for BARRY DOUGLAS HAUGHT.

(52) On or about June 10, 1997, at Tampa, Florida, John S. Bidelspach, D.P.M., RENEE LACHANCE HUNTER LIVIO, THOMAS W. NESPECA, and LRJ Corporation caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Henry Basara.

(53) On or about June 10, 1997, at Tampa, Florida, John S. Bidelspach, D.P.M., RENEE LACHANCE HUNTER LIVIO, THOMAS W. NESPECA, and TRANS-CAPITAL INVESTMENT GROUP, INC. caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Alfred Morris.

(54) On or about June 16, 1997, at Tampa, Florida, THOMAS W. NESPECA and Trident Distributors, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Betty Winters.

(55) On or about June 16, 1997, at Tampa, Florida, CHRISTOPHER C. STURSBURG and LRJ Corporation caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Esther Rivera.

(56) On or about June 19, 1997, BARRY DOUGLAS HAUGHT caused Joy Haught Mason to send a \$240,000 wire transfer from an account of LRJ Corporation to an account of Pyemag Insurance and Trust, Inc.

(57) On or about June 30, 1997, ERNEST L. SLEETH caused G.S. CARE CORPORATION to pay \$115,000 to IFSMG.

(58) On or about June 30, 1997, ERNEST L. SLEETH caused Northstar Oil and Gas, Inc., to pay \$85,000 to IFSMG.

(59) In or about July, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT instructed Gold Star Group sales representative Debbie Longstreet to leave portions of the paperwork supporting a DME sale blank.

(60) In or about July, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT had a conversation with Gold Star Group employee Roger Clarke in which BARRY DOUGLAS HAUGHT offered to pay him for permission to use Roger Clarke's name on a company, Birotech Corporation, which was to be used for purchasing equipment and supplies for the Gold Star Group.

(61) In or about July, 1997, BARRY DOUGLAS HAUGHT and Philip Lipsey had a conversation in which BARRY DOUGLAS HAUGHT agreed to purchase two of Philip Lipsey's companies, Quality Billing Services, Inc., and PM Consulting Group, Inc., in the names of Rhoda Drizin and Jerry Drizin.

(62) In or about July, 1997, BARRY DOUGLAS HAUGHT and Jerry Drizin had a conversation in which BARRY DOUGLAS HAUGHT offered to pay Rhoda Drizin and Jerry Drizin for permission to use their names on companies, Quality Billing Services, Inc., and PM Consulting Group, Inc., respectively, which were to be used for submitting DME claims to Medicare.

(63) On or about July 3, 1997, at Tampa, Florida, THOMAS W. NESPECA and Northstar Industries, Inc. caused the submission of a false, fictitious and

fraudulent claim to Medicare in connection with DME purportedly provided to Grandison Williams.

(64) On or about July 17, 1997, at Tampa, Florida, CHRISTOPHER C. STURSBURG and Trident Distributors, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Betty Blumer.

(65) On or about July 21, 1997, at Tampa, Florida, Dennis Rodriguez and LRJ Corporation caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Mary Brown.

(66) On or about July 24, 1997, at Tampa, Florida, ERNEST L. SLEETH, acting as Treasurer of GOLD STAR HEALTHCARE, INC., signed a contract to pay \$270,000, to IFSMG, purportedly for corporate management assistance and consulting services.

(67) On or about July 24, 1997, ERNEST L. SLEETH caused GOLD STAR HEALTHCARE, INC., to pay \$270,000 to IFSMG.

(68) On or about July 27, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT had conversations with several Gold Star Group office employees regarding the contents of a Tampa Tribune newspaper article.

(69) On or about July 27, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT instructed Gold Star Group sales representative Dennis Rodriguez, in connection with the future sales of scooters, to take a photograph of each customer sitting in a powered wheelchair and place the photograph in the customer's file.

(70) On or about July 29, 1997, BARRY DOUGLAS HAUGHT caused John P. Cook to send a \$400,000 wire transfer from an account of MED-CARE DISTRIBUTORS, INC., to an account of Pyemag Insurance and Trust, Inc.

(71) On or about July 29, 1997, BARRY DOUGLAS HAUGHT caused Joy Haught Mason to send a \$350,000 wire transfer from an account of American Investors Fund, Inc., to an account of Pyemag Insurance and Trust, Inc.

(72) On or about July 30, 1997, BARRY DOUGLAS HAUGHT caused TRANS-CAPITAL INVESTMENT GROUP, INC., to send a \$450,000 wire transfer to the client trust account of attorney Ira M. Haught.

(73) In or about August, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT instructed Gold Star Group employee Denise Dopico as to which Gold Star Group company to use to bill Medicare, and what DME should be placed on the claim to Medicare.

(74) In or about August, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT had a conversation with business associate Earl Michaels in which BARRY DOUGLAS HAUGHT requested permission to use Earl Michaels's name on a company, Fulcrum Services, Inc., which was to be used principally to pay commissions to the Gold Star Group's sales force; BARRY DOUGLAS HAUGHT also requested that Earl Michaels sign Fulcrum Services, Inc.'s checks.

(75) In or about August, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH obtained a sample of the signature of Jill Cox, secretary to Earl Michaels, in order to make a signature stamp to be used to sign Fulcrum Services, Inc.'s business checks.

(76) In or about August, 1997, BARRY DOUGLAS HAUGHT caused Jerry Drizin to open a bank account for IFSMG at the Bank of Nova Scotia in the Turks and Caicos, and a bank account for CMCFS at the Stanford National Bank in Antigua; Jerry Drizin also provided a sample of his signature to BARRY DOUGLAS HAUGHT in order to make a signature stamp.

(77) In or about August, 1997, BARRY DOUGLAS HAUGHT caused Jerry Drizin to form IFSMG and CMCFS in Montserrat, British West Indies.

(78) On or about August 19, 1997, at Tampa, Florida, Dennis Rodriguez and Gold Star Medical Services, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Clarence Wilkerson.

(79) In or about September, 1997, BARRY DOUGLAS HAUGHT had a conversation with Robert E. Smith, a former business associate, in which BARRY DOUGLAS HAUGHT asked Robert E. Smith to be President of a company.

(80) On or about September 12, 1997, BARRY DOUGLAS HAUGHT caused Jerry Drizin to send a \$240,000 wire transfer from an account of IFSMG to an account of Biotech Corporation.

(81) On or about September 29, 1997, at Tampa, Florida, Dennis Rodriguez and Trident Distributors, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Ida Goad.

(82) On or about September 29, 1997, DBB, INC. paid \$250,000 to IFSMG.

(83) On or about October 8, 1997, at Tampa, Florida, John C. Merlino had a conversation with Gary Flewelling in which John C. Merlino described his method for obtaining the required signature of the doctor on the Gold Star Group paperwork supporting the sale of DME.

(84) On or about October 15, 1997, at Tampa, Florida, John C. Merlino had a conversation with Gary Flewelling in which John C. Merlino described Gold Star Group's new procedure for doing "scooter-swap" sales.

(85) On or about October 27, 1997, at Tampa, Florida, FRED D. FORD, JR. and Duramed, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to John Bates.

(86) On or about November 11, 1997, at Tampa, Florida, THOMAS W. NESPECA had a conversation with Gary Flewelling in which THOMAS W. NESPECA advised Gary Flewelling that the Gold Star Group had been paid by Medicare for DME supposedly provided to Beatrice King, when in fact, Beatrice King had not received the DME.

(87) On or about November 25, 1997, BARRY DOUGLAS HAUGHT caused Philip Lipsey to submit a letter to NSC falsely asserting that the new owner of Quality Billing Services, Inc., was Rhoda Drizin and that the physical address would remain the same.

(88) In or about December 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH caused IFSMG to loan Gold Star employee Loretta Capp \$87,000.

(89) On or about December 1, 1997, at Tampa, Florida, ERNEST L. SLEETH, acting as Treasurer of Gold Star Medical Services, Inc., signed a contract to pay \$125,000 to IFSMG, purportedly for corporate management assistance and consulting services.

(90) On or about December 4, 1997, at Tampa, Florida, BARRY DOUGLAS HAUGHT caused TRANS-CAPITAL INVESTMENT GROUP, INC. to send a \$100,000 wire transfer to the client trust account of attorney Ira M. Haught.

(91) On or about December 10, 1997, at Tampa, Florida, John C. Merlino and Northstar Industries, Inc., caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Beatrice King.

(92) On or about December 18, 1997, at Tampa, Florida, RENEE LACHANCE HUNTER LIVIO and Duramed, Inc., caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Betty Johnson.

(93) On or about December 31, 1997, at Tampa, Florida, John C. Merlino and Gary Flewelling had a conversation in which John C. Merlino agreed to accept the names of three homeless customers through which false and fraudulent DME claims would be submitted to Medicare.

(94) On or about December 31, 1997, ERNEST L. SLEETH caused Gold Star Medical Services, Inc., to send a \$125,000 check to IFSMG.

(95) On or about January 7, 1998, BARRY DOUGLAS HAUGHT caused Jerry Drizin to send a \$75,000 check drawn on an account of IFSMG to Best DME Corporation.

(96) On or about January 22, 1998, BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH submitted a letter to NSC falsely asserting that Robert E. Smith had become the owner of Global Mobility, Inc., a Medicare DME provider.

(97) On or about January 22, 1998, at Tampa, Florida, RENEE LACHANCE HUNTER LIVIO and LRJ Corporation caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Ernest B. Robinson.

(98) On or about January 23, 1998, at Tampa, Florida, BARRY DOUGLAS HAUGHT caused Quality Billing Services, Inc. to apply for a business services account at Paine Webber.

(99) On or about January 29, 1998, at Tampa, Florida, John C. Merlino had a conversation with Gary Flewelling in which John C. Merlino advised Gary Flewelling that the three fraudulent claims involving the homeless people would be submitted through CHRISTOPHER C. STURSBURG.

(100) On or about February 12, 1998, BARRY DOUGLAS HAUGHT caused Jerry Drizin, acting on behalf of IFSMG, to send a letter to Ira Haught requesting him to wire transfer \$540,000 being held in escrow for IFSMG, which funds were represented to be fees paid to IFSMG by TRANS-CAPITAL INVESTMENT GROUP, INC.

(101) On or about February 17, 1998, at Tampa, Florida, ERNEST L. SLEETH sent a deposit of \$436,177.00 to the account of IFSMG at the Bank of Nova Scotia, consisting of checks from GOLD STAR HEALTHCARE, INC., G.S. CARE CORPORATION and Duramed, Inc., among others.

(102) On or about March 1, 1998, at Tampa, Florida, BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH caused Loretta Capp, President of MedMaster Services, Inc., to sign a contract to pay \$230,000 to IFSMG, purportedly for corporate management assistance and consulting services.

(103) On or about March 20, 1998, BARRY DOUGLAS HAUGHT caused Jerry Drizin to send a \$75,000 check drawn on an account of IFSMG to Best DME Corporation.

(104) On or about March 23, 1998, at Tampa, Florida, John C. Merlino had a conversation with Gary Flewelling in which John C. Merlino explained that the commission received on the first deal involving the homeless people would be \$750, split equally three ways among CHRISTOPHER C. STURSBURG and them.

(105) On or about April 27, 1998, ERNEST L. SLEETH caused Fulcrum Services, Inc., to send a \$50,000 check to CMCFS.

(106) In May, 1998, BARRY DOUGLAS HAUGHT and Philip Lipsey had a conversation in which BARRY DOUGLAS HAUGHT asked Philip Lipsey to find more companies that BARRY DOUGLAS HAUGHT could use for submitting DME claims to Medicare.

(107) In or about May, 1998, at Tampa, Florida, BARRY DOUGLAS HAUGHT had a conversation with Joe LoPinto in which he offered to purchase Joe LoPinto's Medicare provider number for \$20,000.

(108) In or about June, 1998, at Largo, Florida, BARRY DOUGLAS HAUGHT and Jerry Drizin had a conversation in which BARRY DOUGLAS HAUGHT asked Jerry Drizin if BARRY DOUGLAS HAUGHT could use Jerry Drizin's office address as the street address for Quality Billing Services, Inc. and PM Consulting Group, Inc.

(109) On or about June 15, 1998, at Tampa, Florida, ERNEST L. SLEETH, acting as Treasurer of Northstar Industries, Inc., wrote a letter to Paine Webber requesting a \$28,000 wire transfer be sent to an account in the name of Claims Processors, Inc.

(110) On or about June 29, 1998, ERNEST L. SLEETH, acting on behalf of G.S. CARE CORPORATION, prepared and submitted an application to EDS Provider Enrollment for G.S. CARE CORPORATION to become a Mississippi Medicaid DME provider.

(111) On or about July 2, 1998, at Tampa, Florida, BARRY DOUGLAS HAUGHT and ERNEST L. SLEETH caused Jerry Drizin, on behalf of PM Consulting Group, Inc., to submit an application at Paine Webber to open a business checking account.

(112) On or about July 7, 1998, ERNEST L. SLEETH, acting on behalf of Duramed, Inc., prepared and submitted a Change of Address Notification Form, signed by Laura Flynn, President, to the NSC.

(113) On or about July 15, 1998, at Tampa, Florida, TERESA MARTINEZ and Gold Star Medical Services, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Fred Bostick.

(114) On or about July 20, 1998, at Tampa, Florida, BARRY DOUGLAS HAUGHT and Northstar Industries, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Alfred Morris.

(115) On or about July 22, 1998, BARRY DOUGLAS HAUGHT caused Jerry Drizin to send a \$300,000 wire transfer from an account of IFSMG to an account of DME Service Corporation.

(116) On or about July 28, 1998, at Tampa, Florida, ERNEST L. SLEETH sent a deposit of \$294,513.53 to the account of IFSMG at the Bank of Nova Scotia, consisting of checks from GOLDSTAR HEALTHCARE, INC., Duramed, Inc., and G.S. CARE CORPORATION, among others.

(117) On or about August 11, 1998, at Tampa, Florida, CHRISTOPHER C. STURSBURG and LRJ Corporation caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Esther Rivera.

(118) On or about August 12, 1998, at Tampa, Florida, FRED D. FORD, JR. and LRJ Corporation caused the submission of a false, fictitious and fraudulent claim to Medicare and Medicaid in connection with DME purportedly provided to Jistine Adams.

(119) On or about August 14, 1998, at Tampa, Florida, Dennis Rodriguez and Gold Star Medical Services, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Ida Smith.

(120) On or about August 19, 1998, ERNEST L. SLEETH caused Fulcrum Services, Inc., to send a \$250,000 wire transfer to an account of CMCFS.

(121) On or about August 25, 1998, at Tampa, Florida, FRED D. FORD, JR. and Trident Distributors, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Marrie Davis.

(122) On or about August 27, 1998, at Tampa, Florida, CHERRY E. MOODY and Quality Billing Services, Inc. caused the submission of a false, fictitious and fraudulent claim to Medicare in connection with DME purportedly provided to Mercedes Threatts.

(123) The grand jury realleges and incorporates by reference the acts alleged in Counts Two through Fifty-Five of this Indictment as overt acts as though fully set forth herein.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

On or about April 22, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
MED-CARE DISTRIBUTORS, INC.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by MED-CARE DISTRIBUTORS, INC., to Linda Jamerson, on April 22, 1997, in an amount of \$8,050, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) Linda Jamerson had been diagnosed with decubitus ulcers (707.0) when in fact Linda Jamerson had not; and
- (8) the signature of Asa Godbey, Jr., M.D., on the Certificate of Medical Necessity (CMN) on file, dated April 21, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THREE

On or about April 28, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
THOMAS W. NESPECA,
and
TRANS-CAPITAL INVESTMENT GROUP, INC.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by TRANS-CAPITAL INVESTMENT GROUP, INC., to Clyde Taylor, on April 25, 1997, in an amount of \$7,145, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (3) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) Clyde Taylor had been diagnosed with decubitus ulcers (707.0) when in fact Clyde Taylor had not; and
- (5) Clyde Taylor had been diagnosed with postlaminectomy syndrome - thoracic region (722.82) when in fact Clyde Taylor had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FOUR

On or about May 21, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
TERESA MARTINEZ,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Northstar Industries, Inc., to Elizabeth Bostick, on May 21, 1997, in an amount of \$7,735, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) Elizabeth Bostick had been diagnosed with decubitus ulcers (707.0) when in fact Elizabeth Bostick had not; and
- (8) the signature of Carl S. Lythe, M.D., on the Certificate of Medical Necessity (CMN) on file, dated May 14, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FIVE

On or about May 30, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
and
ERNEST L. SLEETH,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Duramed, Inc., to Teresa Gibbs, on May 28, 1997, in an amount of \$7,220, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (7) Teresa Gibbs had been diagnosed with decubitus ulcers (707.0) when in fact Teresa Gibbs had not.

In violation of Title 18, United States Code, Section 287 and 2.

COUNT SIX

On or about May 30, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
G.S. CARE CORPORATION,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by G.S. CARE CORPORATION, to Frank Jones, on May 30, 1997, in an amount of \$6,565, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (5) Frank Jones had been diagnosed with decubitus ulcers (707.0) when in fact Frank Jones had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT SEVEN

On or about June 10, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
THOMAS W. NESPECA,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Trident Distributors, Inc., to Gloria Hamon, on June 10, 1997, in an amount of \$6,980, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (3) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT EIGHT

On or about June 10, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
RENEE LACHANCE HUNTER LIVIO,
THOMAS W. NESPECA,
and
T-TECH MEDICAL SERVICES, INC.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by T-TECH MEDICAL SERVICES, INC., to James Hayden, on June 10, 1997, in an amount of \$6,855, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (3) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT NINE

On or about June 10, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
THOMAS W. NESPECA,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by LRJ Corporation, to Jessie Lundy, on June 10, 1997, in an amount of \$6,565, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (3) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TEN

On or about June 10, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
RENEE LACHANCE HUNTER LIVIO,
and
THOMAS W. NESPECA,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Trident Distributors, Inc., to John Rawlins, on June 10, 1997, in an amount of \$6,665, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (3) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (4) John Rawlins had been diagnosed with decubitus ulcers (707.0) when in fact John Rawlins had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT ELEVEN

On or about June 10, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
RENEE LACHANCE HUNTER LIVIO,
and
THOMAS W. NESPECA,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Trident Distributors, Inc., to Frank Scott, on June 10, 1997, in an amount of \$6,565, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (3) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) Frank Scott had been diagnosed with decubitus ulcers (707.0) when in fact Frank Scott had not; and
- (5) Frank Scott had been diagnosed with rheumatoid arthritis (714.0) when in fact Frank Scott had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWELVE

On or about June 16, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHRISTOPHER C. STURSBURG,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by American Investors Funds, Inc., to Sadie Lapinski, on June 16, 1997, in an amount of \$7,485, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (7) Sadie Lapinski had been diagnosed with decubitus ulcers (707.0) when in fact Sadie Lapinski had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTEEN

On or about July 3, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
THOMAS W. NESPECA,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by American Investors Fund, Inc., to Beatrice A. King, on July 3, 1997, in an amount of \$6,565, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) Beatrice A. King had been diagnosed with decubitus ulcers (707.0) when in fact Beatrice A. King had not; and
- (6) the signature of Naomi Marsh, D.P.M., on the Certificate of Medical Necessity (CMN) on file, dated July 2, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FOURTEEN

On or about July 3, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
THOMAS W. NESPECA,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Trident Distributors, Inc., to Annie Williams, on July 3, 1997, in an amount of \$6,565, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (2) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (3) the signature of Naresh Dave, M.D., on the Certificate of Medical Necessity (CMN) on file, dated June 29, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FIFTEEN

On or about July 10, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
TERESA MARTINEZ,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by MedMaster Services, Inc., to Johnnie Jackson, on July 3, 1997, in an amount of \$7,630, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (2) a thoracic-lumbar-sacral-orthosis (TLSO) (L0360) had been provided when in fact a different item whose cost was not reimbursable by Medicare or Medicaid had been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (5) a thoracic-lumbar-sacral-orthosis (TLSO) (L0360) was medically indicated and necessary for the health of the patient when in fact it was not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT SIXTEEN

On or about August 15, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
TERESA MARTINEZ,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Nursery Road Villa, to Leswiner Jones, on June 30, 1997, in an amount of \$2,410, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) had been provided when in fact such DME had not been provided;
- (3) a seat lift mechanism (E0629) had been provided when in fact such DME had not been provided;
- (4) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a seat lift mechanism (E0629) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (7) Leswiner Jones had been diagnosed with decubitus ulcers (707.0) when in fact Leswiner Jones had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT SEVENTEEN

On or about September 4, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
and
ERNEST L. SLEETH,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Trident Distributors, Inc., to Eddie Miles, on August 15, 1997, in an amount of \$9,270, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (3) a cervical thoracic-lumbar-sacral-orthosis (CTLSO) (L0700) had been provided when in fact such DME had not been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (5) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (8) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) Eddie Miles had been diagnosed with decubitus ulcers (707.0) when in fact Eddie Miles had not; and
- (10) the signature of Hanford Brace, M.D., on the Certificate of Medical Necessity (CMN) on file, dated August 12, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT EIGHTEEN

On or about October 7, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
and
ERNEST L. SLEETH,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by LRJ Corporation, to Fannie Matthews, on October 2, 1997, in an amount of \$7,965, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) Fannie Matthews had been diagnosed with decubitus ulcers (707.0) when in fact Fannie Matthews had not; and

- (7) the signature of Shailesh Joshi, M.D., on the Certificate of Medical Necessity (CMN) on file, dated September 26, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT NINETEEN

On or about October 9, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
G.S. CARE CORPORATION,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by G.S. CARE CORPORATION, to Mae Frances Perry, on October 2, 1997, in an amount of \$7,455, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) Mae Frances Perry had been diagnosed with decubitus ulcers (707.0) when in fact Mae Frances Perry had not; and
- (8) the signature of Shailesh Joshi, M.D., on the Certificate of Medical Necessity (CMN) on file, dated October 1, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY

On or about October 27, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHRISTOPHER C. STURSBERG,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Duramed, Inc., to Charlie McCrary, on October 24, 1997, in an amount of \$9,215, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (3) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (5) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not; and

- (8) the signature of Ashok Bhat, M.D., on the Certificate of Medical Necessity (CMN) on file, dated October 23, 1997, in support of a hospital bed (E0261 RR1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-ONE

On or about November 21, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
TERESA MARTINEZ,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by LRJ Corporation, to Herbert Frazier, on November 19, 1997, in an amount of \$8,440, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) had been provided when in fact such DME had not been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (3) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (5) the signature of Higinio Serra, M.D., on the Certificate of Medical Necessity (CMN) on file, dated November 12, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-TWO

On or about November 24, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHRISTOPHER C. STURSBERG,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Trident Distributors, Inc., to Julius Peterson, on November 21, 1997, in an amount of \$8,900, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) had been provided when in fact such DME had not been provided;
- (2) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (5) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) was medically indicated and necessary for the health of the patient when in fact it was not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-THREE

On or about December 8, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
TERESA MARTINEZ,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Trident Distributors, Inc., to Elouise Montgomery, on November 28, 1997, in an amount of \$8,610, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (3) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) Elouise Montgomery had been diagnosed with decubitus ulcers (707.0) when in fact Elouise Montgomery had not; and
- (7) Elouise Montgomery had been diagnosed with curvature of the spine (737.9) when in fact Elouise Montgomery had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-FOUR

On or about December 15, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
RENEE LACHANCE HUNTER LIVIO,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Northstar Industries, Inc., to Johnny Arnett, on December 12, 1997, in an amount of \$8,880, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a cervical thoracic-lumbar-sacral-orthosis (CTLSO) (L0700) had been provided when in fact such DME had not been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a cervical thoracic-lumbar-sacral-orthosis (CTLSO) (L0700) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) Johnny Arnett had been diagnosed with decubitus ulcers (707.0) when in fact Johnny Arnett had not; and

- (8) the signature of N.R. Karve, M.D., on the Certificate of Medical Necessity (CMN) on file, dated December 11, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-FIVE

On or about December 18, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
RENEE LACHANCE HUNTER LIVIO,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Gold Star Medical Services, Inc., to Cora Ryan, on December 15, 1997, in an amount of \$9,175, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (4) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (5) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (8) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) Cora Ryan had been diagnosed with decubitus ulcers (707.0) when in fact Cora Ryan had not; and
- (10) the signature of Andrew Bass, on the Certificate of Medical Necessity (CMN) on file, dated December 14, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-SIX

On or about December 18, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
RENEE LACHANCE HUNTER LIVIO,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Trident Distributors, Inc., to Caroline Wright, on December 13, 1997, in an amount of \$8,425, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) Caroline Wright had been diagnosed with decubitus ulcers (707.0) when in fact Caroline Wright had not; and
- (8) the signature of Fred Mickler, M.D., on the Certificate of Medical Necessity (CMN) on file, dated December 12, 1997, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-SEVEN

On or about December 22, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHRIS STURSBURG,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Northstar Industries, Inc., to Margaret L. Little, on December 19 and 20, 1997, in an amount of \$11,745, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a hospital bed (E0260) had been provided on a rental basis when in fact such DME had not been provided;
- (4) a cervical thoracic-lumbar-sacral-orthosis (CTLSSO) (L0700) had been provided when in fact such DME had not been provided;
- (5) a shoulder-elbow-orthosis (L3965) had been provided when in fact such DME had not been provided;
- (6) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (8) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (10) a shoulder-elbow-orthosis (L3965) was medically indicated and necessary for the health of the patient when in fact it was not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-EIGHT

On or about January 12, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
FRED D. FORD, JR.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Duramed, Inc., to Lovette Wilcox, on January 9, 1998, in an amount of \$9,030, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (4) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (5) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (6) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;

- (8) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (10) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (11) Lovette Wilcox had been diagnosed with decubitus ulcers (707.0) when in fact Lovette Wilcox had not;
- (12) the signature of J. Rochie, M.D., on the Certificate of Medical Necessity (CMN) on file, dated January 7, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged; and
- (13) the signature of J. Rochie, M.D., on the Certificate of Medical Necessity (CMN) on file, dated January 7, 1998, in support of a hospital bed (E0261 RR1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT TWENTY-NINE

On or about January 20, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
FRED D. FORD, JR.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Duramed, Inc., to Otelia Adams, on January 15, 1998, in an amount of \$9,080, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) a hospital bed (E0261) had been provided when in fact such DME had not been provided;
- (3) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (4) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (5) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;

- (8) Otelia Adams had been diagnosed with decubitus ulcers (707.0) when in fact Otelia Adams had not; and
- (9) the signature of Normia Patanga, M.D., on the Certificate of Medical Necessity (CMN) on file, dated January 14, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY

On or about January 20, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
FRED D. FORD, JR.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Duramed, Inc., to Lula Cleveland, on January 16, 1998, in an amount of \$8,860, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (4) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (5) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (6) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;

- (8) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (10) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (11) Lula Cleveland had been diagnosed with decubitus ulcers (707.0) when in fact Lula Cleveland had not;
- (12) the signature of Fred Grynberg, M.D., on the Certificate of Medical Necessity (CMN) on file, dated January 14, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged; and
- (13) the signature of Fred Grynberg, M.D., on the Certificate of Medical Necessity (CMN) on file, dated January 14, 1998, in support of a hospital bed (E0261 RR1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-ONE

On or about February 9, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
FRED D. FORD, JR.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by LRJ Corporation, to Marrie Davis, on January 23, 1998, in an amount of \$8,780, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (4) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (5) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;

- (8) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) Marrie Davis had been diagnosed with decubitus ulcers (707.0) when in fact Marrie Davis had not; and
- (10) the signature of Anita Petteway, M.D., on the Certificate of Medical Necessity (CMN) on file, dated January 22, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-TWO

On or about February 10, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHRISTOPHER C. STURSBURG,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Global Mobility, Inc., to Edward T. Stephens, on January 31, 1998, in an amount of \$9,095, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (4) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (5) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (6) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;

- (8) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) Edward T. Stephens had been diagnosed with decubitus ulcers (707.0) when in fact Edward T. Stephens had not;
- (10) Edward T. Stephens had been diagnosed with chronic airway obstruction (496) when in fact Edward T. Stephens had not;
- (11) Edward T. Stephens had been diagnosed with lumbar sprain/strain (8472) when in fact Edward T. Stephens had not; and
- (12) the signature of Jorge Cisneros, M.D., on the Certificate of Medical Necessity (CMN) on file, dated January 30, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-THREE

On or about February 17, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
FRED D. FORD, JR.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by LRJ Corporation, to Jestine Adams, on February 12, 1998, in an amount of \$9,250, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (4) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (5) a thoracic-lumbar-sacral-orthosis (TLSO) (L0360) had been provided when in fact such DME had not been provided;
- (6) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (8) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (10) a thoracic-lumbar-sacral-orthosis (TLSO) (L0360) was medically indicated and necessary for the health of the patient when in fact it was not;
- (11) Jestine Adams had been diagnosed with decubitus ulcers (707.0) when in fact Jestine Adams had not;
- (12) the signature of Leon Cohen, M.D., on the Certificate of Medical Necessity (CMN) on file, dated February 12, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged; and
- (13) the signature of Leon Cohen, M.D., on the Certificate of Medical Necessity (CMN) on file, dated February 11, 1998, in support of a hospital bed (E0261 RR1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-FOUR

On or about March 25, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHERRY E. MOODY,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Quality Billing Services, Inc., to John Threatts, on March 16, 1998, in an amount of \$9,140, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (4) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (5) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (6) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;

- (8) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (10) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (11) John Threatts had been diagnosed with decubitus ulcers (707.0) when in fact John Threatts had not;
- (12) the signature of J. Quimbayo, M.D., on the Certificate of Medical Necessity (CMN) on file, dated March 16, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged; and
- (13) the signature of J. Quimbayo, M.D., on the Certificate of Medical Necessity (CMN) on file, dated March 16, 1998, in support of a hospital bed (E0261 RR1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-FIVE

On or about March 25, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHERRY E. MOODY,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Quality Billing Services, Inc., to Mercedes Threatts, on March 25, 1998, in an amount of \$9,220, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (2) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (3) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (4) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (5) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact different DME having a lesser value had been provided;
- (6) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (8) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (10) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (11) Mercedes Threatts had been diagnosed with decubitus ulcers (707.0) when in fact Mercedes Threatts had not;
- (12) the signature of J. Quimbayo, M.D., on the Certificate of Medical Necessity (CMN) on file, dated March 25, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged; and
- (13) the signature of J. Quimbayo, M.D., on the Certificate of Medical Necessity (CMN) on file, dated March 25, 1998, in support of a hospital bed (E0261 RR1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-SIX

On or about March 31, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHRISTOPHER C. STURSBERG,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by Global Mobility, Inc., to Harold Tothill, on March 27, 1998, in an amount of \$10,835, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (4) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) had been provided when in fact such DME had not been provided;
- (5) a shoulder-elbow orthosis (SEO) (L3965) had been provided when in fact such DME had not been provided;
- (6) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;
- (7) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;

- (8) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) a cervical thoracic-lumbar-sacral-orthosis (CTL SO) (L0700) was medically indicated and necessary for the health of the patient when in fact it was not;
- (10) a shoulder-elbow orthosis (SEO) (L3965) was medically indicated and necessary for the health of the patient when in fact it was not;
- (11) Harold Tothill had been diagnosed with decubitus ulcers (707.0) when in fact Harold Tothill had not;
- (12) Harold Tothill had been diagnosed with an acute, but ill-defined, cerebrovascular disease (436) when in fact Harold Tothill had not;
- (13) Harold Tothill had been diagnosed with multiple sclerosis (340) when in fact Harold Tothill had not;
- (14) Harold Tothill had been diagnosed with unspecified curvature of the spine (7379) when in fact Harold Tothill had not; and
- (15) the signature of Michael Cichon, M.D., on the Certificate of Medical Necessity (CMN) on file, dated March 27, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-SEVEN

On or about April 21, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
FRED D. FORD, JR.,
and
DBB., INC.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by DBB, INC., to Dorothy Price, on April 10, 1998, in an amount of \$1,900, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a cervical thoracic-lumbar-sacral-orthosis (CTLSO) (L0710) had been provided when in fact such DME had not been provided;
- (2) a gel pressure pad (E0178) had been provided when in fact such DME had not been provided;
- (3) a cervical thoracic-lumbar-sacral-orthosis (CTLSO) (L0710) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) a gel pressure pad (E0178) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (5) Dorothy Price had been diagnosed with decubitus ulcers (707.0) when in fact Dorothy Price had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-EIGHT

On or about July 28, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHRISTOPHER C. STURSBERG,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided on a rental basis by Global Mobility, Inc., to Edward T. Stephens, on July 28, 1998, in an amount of \$750, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (3) Edward T. Stephens had been diagnosed with decubitus ulcers (707.0) when in fact Edward T. Stephens had not;
- (4) Edward T. Stephens had been diagnosed with chronic airway obstruction (496) when in fact Edward T. Stephens had not; and
- (5) Edward T. Stephens had been diagnosed with lumbar sprain/strain (8472) when in fact Edward T. Stephens had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT THIRTY-NINE

On or about July 29, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
and
ERNEST L. SLEETH,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided on a rental basis by Duramed, Inc., to Teresa Gibbs, on July 28, 1998, in an amount of \$750, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (3) Teresa Gibbs had been diagnosed with decubitus ulcers (707.0) when in fact Teresa Gibbs had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FORTY

On or about August 3, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
G.S. CARE CORPORATION,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided on a rental basis by G.S. CARE CORPORATION, to Mae Frances Perry, on August 2, 1998, in an amount of \$750, reimbursable by Medicare Part B and Medicaid, health care benefit programs, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (3) Mae Frances Perry had been diagnosed with decubitus ulcers (707.0) when in fact Mae Frances Perry had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FORTY-ONE

On or about August 17, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHERRY E. MOODY,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided on a rental basis by Quality Billing Services, Inc., to John Threatts, on August 16, 1998, in an amount of \$875, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (3) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (5) John Threatts had been diagnosed with decubitus ulcers (707.0) when in fact John Threatts had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FORTY-TWO

On or about August 18, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
FRED D. FORD, JR.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided on a rental basis by Duramed, Inc., to Lula Cleveland, on August 16, 1998, in an amount of \$875, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (3) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (5) Lula Cleveland had been diagnosed with decubitus ulcers (707.) when in fact Lula Cleveland had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FORTY-THREE

On or about August 31, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
CHRISTOPHER C. STURSBERG,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided on a rental basis by Global Mobility, Inc., to Harold Tothill, on August 27, 1998, in an amount of \$750, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (3) Harold Tothill had been diagnosed with decubitus ulcers (707.0) when in fact Harold Tothill had not;
- (4) Harold Tothill had been diagnosed with a chronic airway obstruction (496) when in fact Harold Tothill had not; and
- (5) Harold Tothill had been diagnosed with a lumbar sprain/strain (8472) when in fact Harold Tothill had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FORTY-FOUR

On or about September 4, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
CHERRY E. MOODY,
and
GOLD STAR HEALTHCARE, INC.

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided by GOLD STAR HEALTHCARE, INC., to Ann Toothman, on September 1, 1998, in an amount of \$9,010, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a motorized wheelchair with accessories (K0011 through K0086) had been provided when in fact such DME had not been provided;
- (2) a positioning pad (E0192) had been provided when in fact such DME had not been provided;
- (3) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (4) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (5) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) had been provided when in fact such DME had not been provided;
- (6) a motorized wheelchair with accessories (K0011 through K0086) was medically indicated and necessary for the health of the patient when in fact it was not;

- (7) a positioning pad (E0192) was medically indicated and necessary for the health of the patient when in fact it was not;
- (8) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (9) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not;
- (10) a thoracic-lumbar-sacral-orthosis (TLSO) (L0430) was medically indicated and necessary for the health of the patient when in fact it was not;
- (11) Ann Toothman had been diagnosed with decubitus ulcers (707.0) when in fact Ann Toothman had not; and
- (12) the signature of Norman Taylor, M.D., on the Certificate of Medical Necessity (CMN) on file, dated September 1, 1998, in support of a motorized wheelchair (K0011 NU1), was genuine and authentic when in fact it was falsely made and forged.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FORTY-FIVE

On or about September 9, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
and
FRED D. FORD, JR.,

defendants herein, did knowingly make and present, and cause to be made and presented, to HCFA, an agency of the United States, through Palmetto GBA as the DMERC, a Health Insurance Claim Form (Form 1500), with attachments, for DME purportedly provided on a rental basis by Duramed, Inc., to Lovette Wilcox, on September 9, 1998, in an amount of \$875, reimbursable by Medicare Part B, a health care benefit program, the defendants knowing such claim to be false, fictitious and fraudulent in one or more respects, including, but not limited to, the following representations:

- (1) a hospital bed (E0261) had been provided on a rental basis when in fact such DME had not been provided;
- (2) an alternating pressure mattress (E0277) had been provided on a rental basis when in fact such DME had not been provided;
- (3) a hospital bed (E0261) was medically indicated and necessary for the health of the patient when in fact it was not;
- (4) an alternating pressure mattress (E0277) was medically indicated and necessary for the health of the patient when in fact it was not; and
- (5) Lovette Wilcox had been diagnosed with decubitus ulcers (707.0) when in fact Lovette Wilcox had not.

In violation of Title 18, United States Code, Sections 287 and 2.

COUNT FORTY-SIX

1. The grand jury realleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

2. On or about November 18, 1997, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
and
ERNEST L. SLEETH,

defendants herein, in a matter within the jurisdiction of the executive branch of the Government, knowingly and willfully made, and caused to be made, a materially false, fictitious and fraudulent statement or representation, in connection with Medicare Part B, a health care benefit program, in that the defendants submitted, and caused to be submitted, to the NSC, Palmetto Government Benefits Administrators, an agent of the Health Care Financing Administration, United States Department of Health and Human Services, a department in the executive branch of the Government, a letter, dated November 18, 1997, stating and representing that MedMaster Services, Inc., Medicare Provider No. 1099460001, had moved to a different location and its new street address was 19003 Sun Lake Boulevard, Lutz, Florida 33549; when in truth and fact as the defendants then and there well knew, MedMaster Services, Inc. had not moved to 19003 Sun Lake Boulevard, Lutz, Florida 33549, and that location was not the correct street address for the business.

In violation of Title 18, United States Code, Sections 1001 and 2.

COUNT FORTY-SEVEN

1. The grand jury realleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

2. On or about March 20, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
and
ERNEST L. SLEETH,

defendants herein, in a matter within the jurisdiction of the executive branch of the Government, knowingly and willfully made, and caused to be made, a materially false, fictitious and fraudulent statement or representation, in connection with Medicare Part B, a health care benefit program, in that the defendants submitted, and caused to be submitted, to the NSC, Palmetto Government Benefits Administrators, an agent of the Health Care Financing Administration, United States Department of Health and Human Services, a department in the executive branch of the Government, a Change of Address Notification form, dated March 20, 1998, stating and representing that Global Mobility, Inc., Medicare Provider No. 1130090001, had moved to a different location and its new street address was Route 1, Box 131D, Suite A, Marietta, Ohio 45750; when in truth and fact as the defendants then and there well knew, Global Mobility, Inc., had not moved to Route 1, Box 131D, Suite A, Marietta, Ohio 45750, and that location was not the correct street address for the business;

In violation of Title 18, United States Code, Sections 1001 and 2.

COUNT FORTY-EIGHT

1. The grand jury realleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

2. On or about April 7, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
and
ERNEST L. SLEETH,

defendants herein, in a matter within the jurisdiction of the executive branch of the Government, knowingly and willfully made, and caused to be made, a materially false, fictitious and fraudulent statement or representation, in connection with Medicare Part B, a health care benefit program, in that the defendants submitted, and caused to be submitted, to the NSC, Palmetto Government Benefits Administrators, an agent of the Health Care Financing Administration, United States Department of Health and Human Services, a department in the executive branch of the Government, a Change of Address Notification form, dated April 7, 1998, stating and representing that LRJ Corporation, Medicare Provider No. 1048110001, had moved to a different location and its new street address was Route 1, Box 131D, Marietta, Ohio 45750; when in truth and fact as the defendants then and there well knew, LRJ Corporation, had not moved to Route 1, Box 131D, Marietta, Ohio 45750, and that location was not the correct street address for the business.

In violation of Title 18, United States Code, Sections 1001 and 2.

COUNT FORTY-NINE

1. The grand jury realleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

2. On or about June 4, 1998, at Tampa, in the Middle District of Florida,

BARRY DOUGLAS HAUGHT,
and
ERNEST L. SLEETH,

defendants herein, in a matter within the jurisdiction of the executive branch of the Government, knowingly and willfully made, and caused to be made, a materially false, fictitious and fraudulent statement or representation, in connection with Medicare Part B, a health care benefit program, in that the defendants submitted, and caused to be submitted, to the NSC, Palmetto Government Benefits Administrators, an agent of the Health Care Financing Administration, United States Department of Health and Human Services, a department in the executive branch of the Government, a Change of Address Notification form, dated June 4, 1998, stating and representing that PM Consulting Group, Inc., Medicare Provider No. 0440790001, had moved to a different location and its new street address was 801 West Bay Drive, #428, Largo, Florida 33770; when in truth and fact as the defendants then and there well knew, PM Consulting Group, Inc., had not moved to 801 West Bay Drive, #428, Largo, Florida 33770, and that location was not the correct street address for the business;

In violation of Title 18, United States Code, Sections 1001 and 2.

COUNT FIFTY THROUGH FIFTY-FIVE

1. The grand jury realleges and incorporates by reference Part A of Count One of this Indictment as though fully set forth herein.

2. On or about the dates set forth below, at Tampa, in the Middle District of Florida, and elsewhere,

BARRY DOUGLAS HAUGHT
and
ERNEST L. SLEETH,

defendants herein, knowing that property involved in a financial transaction represented the proceeds of some form of unlawful activity, caused to be conducted, and attempted to conduct, a financial transaction affecting interstate commerce, as described below, which financial transaction in fact involved the proceeds of specified unlawful activity, namely, Federal health care offenses in violation of Title 18, United States Code, Sections 287, 371 and 1001 relating to Medicare Part B and Medicaid, health care benefit programs; and knowing that the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds off such specified unlawful activity:

Count	Date	Sender	Origin	Recipient	Destination	Method	Amount
50	07/24/97	IFSMG	Bank of Nova Scotia Turks & Caicos	J&A Corporation	Bank of Tampa Tampa, Fl	Check	220,000
51	12/31/97	MedMaster Services	SouthTrust Bank Tampa, Florida	IFSMG	Bank of Nova Scotia Turks & Caicos	Check	175,000
52	02/17/98	IFSMG	Bank of Nova Scotia Turks & Caicos Huntington Nat'l Bank Harrisville, W.V.	Helicopter Structural & Maintenance	Republic Bank Clearwater, Florida	Wire Transfer	700,000
53	03/20/98	MedMaster Services	SouthTrust Bank Tampa, Florida	IFSMG	Bank of Nova Scotia Turks & Caicos	Check	55,000
54	06/18/98	Biotech	Paine Webber Tampa, Florida	CMCFS	Stanford Nat'l Bank Antigua	Wire Transfer	600,000
55	06/30/98	Fulcrum Services	NationsBank Tampa, Florida	CMCFS	Stanford Nat'l Bank Antigua	Wire Transfer	300,000

In violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

FORFEITURES

1. The allegations of Counts One through Fifty-Five of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of Title 18, United States Code, Section 982.

2. As a result of the offenses alleged in Count One, defendants

BARRY DOUGLAS HAUGHT,
ERNEST L. SLEETH,
FRED D. FORD, JR.,
RENEE LACHANCE HUNTER LIVIO,
TERESA MARTINEZ,
CHERRY E. MOODY,
THOMAS W. NESPECA,
CHRISTOPHER C. STURSBURG,
DBB., INC.,
G.S. CARE CORPORATION,
GOLD STAR HEALTHCARE, INC.,
MED-CARE DISTRIBUTORS, INC.,
T-TECH MEDICAL SERVICES, INC.,
and

TRANS-CAPITAL INVESTMENT GROUP, INC.,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(7), any and all right, title and interest they may have in any property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the aforestated offenses, including but not limited to the following property: funds in the approximate amount of \$25,795,410 in United States Currency, which constitutes or was derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses alleged in Count One, in violation of Title 18, United States Code, Sections 287, 371 and 1001, for which the defendants are jointly and severally liable.

3. As a result of the offenses alleged in Counts Two through Forty-Five, the defendants as named in those respective Counts, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(7), any and all right, title and interest they may have in any property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses alleged in those Counts, in violation of Title 18, United States Code, Section 287.

4. As a result of the offenses alleged in Counts Fifty through Fifty-Five, defendants

BARRY DOUGLAS HAUGHT
and
ERNEST L. SLEETH,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title and interest they may have in any and all property, real and personal, involved in such money laundering offenses, in violation of Title 18, United States Code, Section 1956, and any property traceable to such property, including but not limited to:

Funds in the approximate amount of \$ 2,050,000 in United States Currency, representing the amount of money laundered in Counts Fifty through Fifty-Five, for which the defendants are jointly and severally liable.

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;

- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above property subject to forfeiture.

A TRUE BILL,

Foreperson

MAC CAULEY
United States Attorney

By: _____
Terry A. Zitek
Assistant United States Attorney
Chief, Criminal Division

By: _____
Jay Trezevant
Assistant United States Attorney